

SENATE JOURNAL

FIRST DAY

MORNING SESSION

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Sixth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 17, 2005 at ten o’clock a.m.

The Senate was called to order at 10:20 a.m., with The Honorable Fred D. Howard, Judge, Fourth Judicial District Court for Utah County presiding.

**PRAYER BY ELDER RUSSELL M. NELSON,
QUORUM OF TWELVE APOSTLES,
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS**

Oh God, our Eternal Father, on this historic occasion we humbly pray unto Thee. We thank Thee for our many blessings unto us, for life and all that sustains life. We thank Thee for citizenship in the United States of America and pledge allegiance to its flag, to its constitution and to its divine destiny. May it always be seen as a beacon of hope, a bulwark of freedom and a font of righteousness to all the world.

We thank Thee for this sovereign state of Utah. We sense, at least in some degree, the faith of its founders, those great pioneers who made the desert blossom as a rose. Others who followed brought diversity and depth to the culture and a unique legacy that we now enjoy. Help us to know the history of our past and to see Thy divine purpose in our future. The prophet Isaiah foresaw our day when the mountain of the Lord’s house shall be established in the tops of the mountains and shall be exalted above the hills and all nations shall flow unto it. We witness the fulfillment of that prophecy. People of all nations do flow unto these mountains, to see and to feel our uniqueness. Will Thou bless the people of this state of Utah that they may prosper. Bless their families to find joy and protect peace and goodness for their neighbors, friends and guests.

We beseech they blessings upon governmental leaders of this state. Assembled in this hallowed chamber of the State Senate, we thank Thee for these distinguished men and women who dutifully and prayerfully serve in this chamber. They come from various locations, backgrounds and cultures. We express unto Thee, our Father, profound gratitude for each one of them. Wilt Thou bless them and their families. Bless them with safety in their travels. Bless their

personal affairs while they give time to this important work. Help them to bind us together as a people and promote the strength that unity provides. May their example of cooperation serve to minimize differences that exist among people. Bless these Senators to keep principle above politics, wisdom above information, and morality above partially.

As a new governor of the state has been elected, we pray for him. Grant unto Governor Huntsman the wisdom, character and courage that he needs as he leads our people. May his example always be worthy of emulation.

Wilt Thou bless companion legislators in the Utah House of Representatives. Bless them in their efforts and opportunities. May they have a spirit of cooperation with the Senate that will mutually enhance their work. We pray for Thou blessings to be upon the legislative, executive and judicial branches of the government of the state to the ends that Thy children can live here in peace, prosperity and integrity.

As all nations shall flow unto this state, we pray that we may honor our visitors, care for them and show a standard that will lift them. May they return to their homes with recollections that will relieve a troubled world.

Prayerfully, I now invoke a blessing upon this Senate of the state of Utah and do so by the sacred authority vested in me, in the name of Jesus Christ, Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Pledge of Allegiance – David Lambert, law partner in the firm of Howard, Lewis and Petersen

SPECIAL MUSICAL PRESENTATION

The Orem High School “Show and Chamber Choir, directed by Sterling Keyes, performed “The Star Spangled Banner” and a musical presentation entitled “A Gershwin Portrait”.

On motion of Senator Peter Knudson, the Senate voted to express appreciation to Elder Nelson for delivering the invocation and to have his words spread upon the pages of the Senate Journal.

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Annette B. Moore read the following Certification of Membership for the 2005 General Session of the Utah State Senate:

**CERTIFICATE OF MEMBERSHIP OF THE 2005
GENERAL SESSION
OF THE UTAH STATE SENATE
56TH LEGISLATURE**

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 2, 2004, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2005, to wit:

FIRST DISTRICT: County of Salt Lake

Fred J. Fife III

SIXTH DISTRICT: County of Salt Lake

Michael G. Waddoups

EIGHTH DISTRICT: County of Salt Lake

Carlene M. Walker

TENTH DISTRICT: County of Salt Lake

D. Chris Butters

THIRTEENTH DISTRICT: County of Salt Lake, Tooele

Mark B. Madsen

FOURTEENTH DISTRICT: County of Utah

John L. Valentine

SIXTEENTH DISTRICT: County of Utah

Curtis S. Bramble

NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

Allen M. Christensen

TWENTIETH DISTRICT: County of Weber

Scott K. Jenkins

TWENTY-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-THIRD DISTRICT: Counties of Davis

Dan R. Eastman

TWENTY-FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier,
Tooele, Wayne

Leonard M. Blackham

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan,
Utah

Mike Dmitrich

TWENTY-NINTH: Counties of Washington

John W. “Bill” Hickman

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 2002, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2003, to-wit:

SECOND DISTRICT: County of Salt Lake

Paula Julander

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patrice Arent

FIFTH DISTRICT: County of Salt Lake

Ed Mayne

SEVENTH DISTRICT: County of Salt Lake

Karen Hale

NINTH DISTRICT: County of Salt Lake

L. Alma “Al” Mansell

ELEVENTH DISTRICT: County of Salt Lake, Utah

Howard Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Ron Allen

FIFTEENTH DISTRICT: County of Utah

Parley G. Hellewell

SEVENTEENTH DISTRICT: County of Box Elder, Cache, Tooele

Peter C. Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

David L. Thomas

TWENTY-SECOND DISTRICT: Counties of Davis

Gregory S. Bell

TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch

Beverly Evans

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Kane, Millard, Washington

Thomas Hatch

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 2002, the following named person was chosen

by the electors as a member of the Legislature of the State of Utah, to serve in the Senate, for the term of two years, beginning January 1, 2003, to-wit:

FIRST DISTRICT: County of Salt Lake

James L. Evans

IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, this seventeenth day
of January, 2005.

GARY HERBERT

Lieutenant Governor

Communication filed.

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The Honorable Judge Fred D. Howard administered the Oath of Office to all reelected and newly elected and appointed members of the Senate for the Fifty-Sixth Legislature.

* * *

Roll Call – All Senators present except Senator Dmitrich, excused.

On motion of Senator Peter Knudson, the Senate voted to proceed with its organization and elect its president.

The Honorable Judge Fred D. Howard declared nominations for the office of President of the Senate were in order.

On motion of Senator Peter Knudson and seconded by Senator Ron Allen, Senator John L. Valentine was nominated to serve as the President of the Utah State Senate for the Fifty-Sixth Legislature.

On motion of Senator Dan Eastman, and seconded by Gene Davis the nominations were closed and Senator John L. Valentine was elected President of the Senate by acclamation. Senators Peter Knudson, and Ron Allen escorted President Valentine to the podium.

The Honorable Judge Fred D. Howard administered the Oath of Office to the President of the Senate, John L. Valentine.

On motion of Senator Peter Knudson, the Senate expressed appreciation to the Honorable Judge Fred D. Howard for taking time from him busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT VALENTINE

I have thought a lot about what I was going to say this morning, and some of the things I want to say are very heartfelt. We have an empty chair this morning. It's for our good friend Sen. Mike Dmitrich. Sen. Dmitrich has been a good friend of mine for the entire time that I have been in the Legislature. For those of you who would like to express sympathies to Sen. Dmitrich by the way of flowers or other gifts, Sen. Dmitrich has asked that those be sent here to the Senate rather than being sent to the hospital or to be sent home. Sen. Dmitrich has asked that he have a swearing-in sometime later today and we're going to try to accommodate that. We are checking with the Legal staff now to see the mechanics of how to actually accomplish that. But he is a good friend and we miss him. It's hard to see that empty chair this morning.

We have a number of challenges that are going to be facing us in this the 2005 General Session. Those challenges include issues of transportation, education, tax reform; they take center stage in our debates this next year. It will take great leadership on the part of us as senators to address these issues for the people of this state, without regard for regional differences, political party or station in life. Leadership is that elusive quality that helps people find solution to the issues of the day that are not only accepted but will actually work.

To you, my fellow senators, I say you are all leaders. You were elected by the people of your district to lead and to represent them. But leadership is not a position. You are not a leader merely because you have the title of senator. Instead, leadership is something you earn from the people that you lead.

We will be graded by history for the dreams that we share and the decisions that we make while we are in office. That grading will be made upon our ability to communicate issues, solutions and the advantages and disadvantages of those solutions. The issues we face are not easy. We will not always agree. But to quote Bill Cooney, "A leader's job is to make the complex simple." That's our job as leaders. That's our job as senators, as representatives of people. As observed by Konrad Adenauer, "As soon as you are complicated you are ineffectual." We will try I think as senators, to try to make the complex easy to understand because complexity comes with the territory in public service. Our ability to communicate will be the real test of our ability to lead. Communication requires us to be civil with each other, even in times of passionate disagreement. As senators we must always remember the importance of collegiality and respect for our differences. This will be especially challenging in these facilities. We will be here for three sessions. These three sessions we'll have difficult times trying to make certain that we communicate the messages that we want to communicate, but it will be our responsibility to help the State understand how representative government is

working when this physical access is so difficult. It will work if we will be leaders and will lead in the manner just indicated.

To the people of the State of Utah, this indeed is a new era. It is a time for great promise and great contrasts. We have peace and we have war at the same time. We have natural disasters and seemingly the end of a drought that has lasted for six years. We have economic recovery and neighbors who are still looking for quality work. As your representatives, we will have the best decisions we can on the issues of the day. We can promise no more and no less.

In conclusion, the hallmark of a true leader is the ability to see problems before they become a crisis. My fellow senators, let us be visionaries with gratitude and humility before the Almighty. Let us seek solutions together before decisions are forced upon us by circumstances and events.

Again, thank you for giving me the opportunity of being your President, the President of the Senate of the people of Utah.

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President Valentine directed that the following be recorded in the Senate Journal as leaders for the 56th Legislature 2005 General Session:

President – John L. Valentine
Majority Leader – Peter Knudson
Majority Whip – Dan R. Eastman
Asst. Majority Whip – Beverly Ann Evans
Minority Leader – Mike Dmitrich
Minority Whip – Ron Allen
Asst. Minority Whip – Gene Davis

On motion of Senator Michael Waddoups, the Senate voted to approve the Senate leadership.

Welcoming remarks by Senator Ron Allen, Minority Whip, and Senator Peter Knudson, Majority Leader.

President Valentine appointed a Senate Rules Committee comprised of Senator Michael Waddoups, Chairman, and Senators Curtis Bramble, Chris Buttars, Sheldon Killpack, David Thomas, Carlene Walker, Gene Davis, and Ed Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

Senator Carlene Walker moved that the words of President Valentine be spread upon the pages of the Senate Journal.

President Valentine appointed Senator Greg Bell as the Committee Chair to serve Patronage and Employees.

On motion of Senator Michael Waddoups, the Senate Rules and the Joint Rules of the 2004 General Session for the Fifty–Fifth Legislature were adopted with the understanding that changes to these rules for the Fifty–Sixth Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Curtis Bramble, Bill Hickman, and Fred Fife as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Sheldon Killpack, Dave Thomas, and Patrice Arent as a committee to notify Governor Jon M. Huntsman Jr. that the Senate is organized for the 2005 General Session of the Fifty–Sixth Legislature and ready to do business.

Representatives Dunnigan, Litvak, and Lawrence formally notified the Senate that the House is organized and ready to do business.

Senator Bramble, chairman of the Committee to Notify the House, reported the House has been notified that the Senate is organized and ready to do business.

Senator Killpack, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Jon M. Huntsman Jr. has been notified that the Senate is organized and ready to do business.

On motion of Senator Waddoups, and as provided by the Utah Constitution and Joint Rules of the Legislature, the Senate voted to suspend the reading of the short titles of all bills and resolutions on the Senate calendar as they are read for the first time and introduced, and considered on Second Reading, Third Reading, Consent, and Concurrence Calendars. The motion is to apply to all bills and resolutions introduced during this legislative session, except that any Senator may request the reading of the long title, short title, or both of any House or Senate bill or resolution.

At the direction of President Valentine, information and membership concerning the following committees are to be officially recorded in the Senate Journal:

Business and Labor

Scott Jenkins, *Chair*
Thomas Hatch
Parley Hellewell
Bill Hickman
Sheldon Killpack
Al Mansell
Michael G. Waddoups
Gene Davis
Ed Mayne

Education

Dave Thomas, *Chair*
D. Chris Buttars
Dan Eastman
Mark Madsen
Howard Stephenson
Patrice Arent
Karen Hale

**Natural Resources, Agriculture
and Environment**

Michael Waddoups, *Chair*
Beverly Evans
Thomas Hatch
Fred Fife
Paula Julander

Health and Human Services

Allen Christensen, *Chair*
Greg Bell
Beverly Evans
Peter Knudson
John Valentine
Ron Allen
Paula Julander

**Workforce Services and
Community
and Economic Development**

Carlene Walker, *Chair*
Dan Eastman
Beverly Evans
Peter Knudsen
Mark Madsen
Fred Fife
Ed Mayne

**Judiciary, Law Enforcement and
Criminal Justice**

Chris Buttars, *Chair*
Greg Bell
Al Mansell
Mark Madsen
Lyle W. Hillyard
Dave Thomas
Mike Dmitrich
Patrice Arent

Revenue and Taxation

Curtis S. Bramble, *Chair*
Greg Bell
Lyle Hillyard
Howard Stephenson
John Valentine
Mike Dmitrich
Ron Allen

**Government Operations and
Political Subdivisions**

Parley Hellewell, *Chair*
Allen Christensen
Bill Hickman
Gene Davis
Karen Hale

Transportation and Public**Utilities and****Technology**Sheldon Killpack, *Chair*

Curtis Bramble

Scott Jenkins

Carlene Walker

Karen Hale

Ed Mayne

RulesMichael Waddoups, *Chair*

Curtis S. Bramble

D. Chris Buttars

Sheldon Killpack

Dave Thomas

Carlene Walker

Gene Davis

Ed Mayne

Retirement and Independent**Entities**Beverly Evans, *Chair*

Chris Buttars

Carlene Walker

Ron Allen

Paula Julander

On motion of Senator Bell, the Senate voted to adopt the following committee report and employ the persons recommended by Senate Bell.

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate Staff.

Annette B. Moore

Sandy D. Tenney

Leslie O. McLean

Janeen M. Halverson

Lynette Erickson

Greg Johnson

Ric Cantrell

Rolayne Day

Mary Andrus

Saundra Maeser

Bonnie Brinton

Cherie M Schmidt

Karen Allred

Secretary of the Senate

Manager of Senate Services

Administrative Asst.

Minority Administrative
Assistant

Docket Clerk

Voting Machine Operator

System Analyst and

Computer Specialist

Majority Administrative
AssistantSecretarial Supervisor
& Committee Secretary

Journal Clerk

Rules Secretary

Committee Secretary

Committee Secretary

(1/2 time)

Committee Secretary

Nedra Duzett	Committee Secretary (1/2 time)
Norda Shepard	Committee Secretary
Jeanne Wride	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Wayne Roberds	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Paul Jacobs	Security
Tony Mascaro	Security
Cliff Park	Security
Gayle C. Petersen	Page Supervisor
Shirley C. Taylor	Asst. Page Supervisor
Diane Lloyd	Page
Linda Cornaby	Page
Jacque Frei	Page
Christine Hunter	Page
Judy Paulson	Page
Mary L. Russell	Page
Dianne Richards	Page
Kathy Fotheringham	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address
	System Operator
Paula Tew	Legislative & Third House Aide
	Aide to Sec. of Sen.
Evoline Gardner	Hostess and 3rd House Aide
Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Pamela H. Benson	Public Information Officer

INTRODUCTION OF INTERNS

Senator Karen Hale introduced the Senate interns for the 2005 General Session.

Marianne Ickes	Senator Ron Allen
Ben Kingery	Senator Patrice M. Arent
Doug Hansen	Senator Greg Bell

Katie Nisbet	Senator Carlene Walker
Tyler Cloward	Senator Curtis Bramble
Julia Munns	Senator D. Chris Buttars & Senator Parley Hellewell
Cali Neville	Senator Allen Christensen & Senator Thomas Hatch
Ryan Davis	Senator Gene Davis & Senator Fred J. Fife III
Becky Webster	Senator Mike Dmitrich & Senator Ed Mayne
Logan Sisam	Senator Dan Eastman
Justin Ackley	Senator Beverly Evans
Leah Millett	Senator Karen Hale
Dan Degener	Senator Bill Hickman & Senator Al Mansell
Derek Johnson	Senator Lyle Hillyard
Chris LeCheminant	Senator Scott Jenkins & Senator Sheldon Killpack
Debbie Chandler	Senator Paula Julander
Kyle Pulley	Senator Peter Knudson
Mark Nord	Senator Mark Madsen & Senator David Thomas
Andrew Stewart	Senator Howard Stephenson
Marshall Hendrickson	President John Valentine
Ryan Allredge	Senator Michael Waddoups

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Darius Gray, past president of Genesis, spoke in Committee of the Whole for a presentation by the Martin Luther King Human Rights Commission. He was introduced by Phyllis Carruth.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

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On motion of Senator Knudson, and at 11:45 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 4, Uninsured Motorist Property Damage Coverage Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 5, Traffic Code Recodification and Revisions (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 6, Sales and Use Tax Agriculture Exemptions (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 7, Funding for Tourism (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 8, Local Corridor Preservation Funding (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 9, Aerospace and Aviation Development Zone Modifications (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 10, Liability Reform Act Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 11, Initiative Petitions Amendments (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 12, Department of Workforce Services Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 13, Individual Income Tax – Subtraction for Certain Military Income (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 14, Uniform Parentage Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 15, Children’s Justice Center Amendments (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 16, Department of Workforce Services – Access to Financial Records (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 17, Foster Care Citizen Review Board (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 18, Regulating Proprietary Postsecondary Schools (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 19, Disease Testing of Individuals Exposed to Blood Borne Pathogens (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 20, Office of Legislative Auditor – Access to Information (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 21, Limitation on Liability Regarding Liquefied Petroleum Gas (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 22, Drug Offender Reform Act (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 23, Property Tax Treatment of Tangible Personal Property (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 24, Waste Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 25, Transportation Amendments and Highway Jurisdictional Transfer Task Force (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 26, Public Utilities Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 27, Sunset Reauthorizations (L. Mansell), read the first time by short title and referred to the Rules Committee.

S.B. 28, Reauthorization of Energy Policy Task Force (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 29, Licensing of Crane Operators (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 30, Amendments to Search Warrants (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 31, Local Government Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 32, Limitation of Landowner Liability for Public Recreation (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 33, Exemptions to Residential Property Tax (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 34, Patient Access Reform (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 35, Venture Capital Funding Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 36, Sales and Use Taxation of Pawn Transactions (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 37, Motor Vehicle Business Regulation Act Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 38, Garnishment by Deferred Deposit Lenders (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 39, Consumer Credit Protection (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 40, Regulation of Title Insurance Industry (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 41, School and Institutional Trust Lands Management Act Revisions (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 42, Alcohol Restricted Drivers (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 43, Penalty for Providing False Information to State Agency (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 76, Amendments to Navajo Trust Fund (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 77, Amendments to Indoor Clean Air Act (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 78, Optional Forms of County Government Amendment (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 79, Extension of Sunset Date on Resource Development Coordinating Committee (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 80, Special Service Districts – Service Expansion (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 81, Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 82, Individual Income Tax – Earned Income Tax Credit (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 83, Medical Decisions of a Parent or Guardian (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 84, Do Not Call Registry Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 85, Federal Research Committee (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 86, 2004 General Obligation Bond Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 87, Residence Lien Restriction and Lien Recovery Fund Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 88, Creation of Local Districts (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 89, Mutual Dependence Benefits Contract (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 90, County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 91, Interstate Juvenile Compact (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 92, Utah Attorney's Fees Recovery Act (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 93, Children's Justice Center Addition (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 94, Restitution Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 95, Office of Museum Services Amendments (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 96, Commerce Service Fund Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 97, Consolidation of City and County Library (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 98, Motor Vehicle Registration and Title Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 99, Damages for Trespass in State Parks (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 100, Access to High Speed Internet At State Capitol Complex (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 101, Utah Administrative Rulemaking Act Revision (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 102, Lobbyist Reporting Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 103, Liens on Aircraft (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 104, Judiciary Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 105, Judgment Interest Rate (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 106, Utah Religious Land Use Act (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 107, Licensure and Regulation of Programs and Facilities (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 108, Telecommunications Revisions (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 109, Safety Belt Enforcement (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 110, Medical Device Notification and Liability (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 111, Amendments Prohibiting Health Insurance Discrimination (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 112, Child Protection Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Resolution Encouraging Managed Lanes Study (C. Walker), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Resolution Honoring Searchers (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, (B. Evans), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Resolution Approving Appointment of Legislative Auditor General (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Resolution on Property Tax for Certain Personal Property (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Resolution Encouraging Mediation (C. Walker), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Rules Resolution – Interim Rules Recodification (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Resolution Approving Contract for State Capitol Renovation (L. Mansell), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Chief Justice Christine M. Durham spoke in Committee of the Whole.

STATE OF THE JUDICIARY CHIEF JUSTICE CHRISTINE M. DURHAM

President Valentine, Speaker Curtis, Members of the Utah Senate and the Utah House of Representatives, thank you for the invitation to speak to you about

Utah's judicial branch of government. May I first offer congratulations and best wishes to those newly elected to serve in this body, and particularly to those recently selected for leadership in the Legislature. With the inauguration of a new governor and the accompanying changes in department and agency leadership, Utah's government is experiencing great change and many transitions, a phenomenon quite common in American democracy. In contrast to the legislative and executive branches, however, I am struck by the relative continuity and stability of the judicial branch of government. Certainly we have had judges retire, and we have replaced them in due course, but no one expects dramatic policy changes or a new and different "judicial agenda." Our approach to our work, especially in the adjudication context, is (and is intended to be) steady, sure, and slow to change course. If government can be thought of as a ship, the judiciary's function most closely resembles that of the rudder. As political and social winds move and change direction, first representatives, then senators and the executive branch are required, under our democratic system, to adjust if they are to keep moving forward. The judiciary, on the other hand, is anchored to the law, precedent, and ultimately to the constitution, and so our movement is restricted and slow. Some may think we are too slow to follow emerging currents, but I think this predictability and steadiness is more often a source of security and public confidence in government.

We know that the confidence and trust the people have in their governments have been tested in recent times. It is no accident that as democracies emerge in other parts of the world, one of their first tasks is to establish courts and judicial functions that can bring stability, predictability, and a mechanism for instituting the rule of law, so that the fundamental issues that arise in these nascent countries can be resolved without violence. One of our own, former Justice Court judge and now Chief Warrant Officer–IV Kim Adamson, is currently an active duty Marine on assignment in Falluja, Iraq. Her responsibility, amidst car bombings and gunfire, is to put together the nuts and bolts of a judicial system, and not just any system, but one that will have the trust and support of the populace. We wish her well and pray for her safe return.

In another part of the world, Ukraine, with a democracy somewhat farther along than Iraq's, has recently survived a significant potential threat to the rule of law. Imagine you are a judge in Ukraine, and the Russian-backed candidate for president has apparently won election, then a second election is ordered and he loses. Do you have the institutional strength, the public trust, and the political independence to stand by your new constitution and the result it requires? In Ukraine, the high court judges did have those things, but it is worth noting that the court's determination of the law in that case coincided with a popular outcome. One wonders if the foundation of that court system is yet firm enough, the rudder deep and strong enough, to withstand the winds that blow in the wake of an

unpopular decision, even if it is right.

The metaphor of the judicial branch as rudder works well when considering our decision-making or adjudicative role, but there is of course another dimension to the work of the courts, and that is the administrative function. In that function we must operate much more like the rest of government and the private sector; we require agility and the ability to change in the face of new challenges and technological developments. One of my colleagues on the Supreme Court tells me that hockey player Wayne Gretzky is widely acknowledged to have revolutionized the sport, and once observed that his success was attributable to his ability to “skate to where the puck is going to be, not to where it is.” Our goal is the same. The needs of court users are constantly changing, and we are constantly trying to be there first. As the legal community becomes increasingly interested in electronic filing, we need to have already worked out how to do it—and we have; as the public becomes more adept at using automatic, interactive telephonic payment systems in the commercial context, we need to apply the technology to, for example, traffic tickets—and we have; and as more and more people expect to interact effectively with government on the Internet, we need to be sure that our website exceeds their expectations—and we have. Just this past year, our court website had over one million users and won a third national award for web design. On our site you can, for example, check court calendars, identify recently-entered civil judgments, use current guidelines to calculate child support payments, and even produce documents ready for court filing. We have also begun using contemporaneous Internet audio streaming for arguments in the Supreme Court, which are archived for informational and educational purposes.

There are many other examples of our efforts in the courts to be responsive, collaborative, and focused on outcomes for litigants and the community. As many of you know, Utah is a national leader in the use of problem-solving courts—drug courts, mental health courts, domestic violence courts, and so on. We have learned from our experience with these models that judges, in cooperation with treatment specialists and law enforcement resources, can enlarge on their traditional roles as neutral arbiters to become effective coaches and motivators. They can help many defendants to recover from addiction and move on to productive, crime-free lives. They say “seeing is believing,” and I invite each of you to visit one of our problem-solving courts and see the work they do. It is a powerful experience—not one you will soon forget.

You will be addressing the problem-solving approach in criminal cases this session as you consider Senator Buttar’s proposal in Senate Bill 22, the Drug Offender Reform Act (DORA). We strongly support this legislation’s goal of providing more information to sentencing judges and more resources for treatment efforts, particularly in the form of drug courts.

Other flexible responses to challenges facing the courts have served us well.

Opening Juvenile Court hearings has, I believe, increased public access to and understanding of the work of this most important part of our system. Public access to information in court records is also an issue. We, like most of government and the private sector, are struggling with the implications of electronic communications and record keeping for questions of personal privacy and public security. The Judicial Council currently has these issues on its agenda for study and policy setting. Another challenge—three years of budget cuts—has been used by the judiciary to think hard about the highest and best use of our resources. Prior to the Judicial Council's last annual budget process, we asked the entire judiciary to examine all court programs closely and to report to the Council on ways to ensure that our most important priorities are being met. That exercise both greatly enhanced the Council's budget planning and also allowed us to adjust our fiscal commitments in ways consistent with our highest values. We believe that the end result is better service to the people who need it. One final example, perhaps a somewhat personal one as it involves the Supreme Court, of flexibility in the face of challenge, comes from the recent election. Faced with a highly time-sensitive challenge to the contents of a ballot in a local election, our court was able to conduct a public hearing, deliberate, and issue a decision in 24 hours, sufficient time for ballots to be prepared before the election. Many of you may have watched the court's hearing in a live broadcast that permitted citizens an unprecedented opportunity to see the court at work. This kind of speed on our part is not always possible, indeed not usually desirable, but in this case our effort was, I believe, in the best interest of the community.

I have tried to direct these remarks not just to the challenges faced by Utah's courts but also to the solutions we have developed and are developing. Let me try to quantify the challenges for a moment. Last year, 833,719 cases were filed in Utah's courts. That works out to 3,350 every business day. It is not just the volume of these 3,350 new cases each day that presents the challenge. It is the fact that we are becoming an increasingly diverse state, and a growing number of those appearing in court require various kinds of assistance. For example: foreign language interpreters are necessary for all court-related events in a growing number of criminal cases; 30 percent of the cases filed in District Court have parties representing themselves, most of whom have little familiarity with the procedural rules and the law that govern their cases; 55 percent of felony cases involve defendants who are indigent and must be represented by public defenders whose resources are being constantly stretched by expanding demand; and finally, an estimated 70 percent of defendants in criminal cases and parents in child welfare cases have some form of substance abuse or addiction problems. Each of these numbers reflects one or more of the challenges I have already mentioned today, and some that I have not, like the urgent need for better access to representation for low-income people in civil cases and the burgeoning need for

adequate court interpreter services. We in the judiciary understand our responsibility to identify these issues and to think creatively, in cooperation with others, about responses.

Thus, this business of trying to "skate to where the puck is going to be" is strenuous and demanding. Our capacity to do it derives, in my view, from two things: the quality of our governance system and the quality of our judges. Under Utah's constitutional scheme, the Supreme Court is ultimately responsible for the careful articulation of what the law is, and the Judicial Council—made up of judges from each court level and a representative from the State Bar—is charged with setting administrative policy. This separate but coordinated leadership of Utah's judicial branch permits focus, expertise and vision by the Court on the one hand and the Council on the other, each in exercising its distinct role. I believe that the recognition that Utah's governance system enjoys from our judicial peers nation-wide is a tribute to its successful design and the support it has received from the other branches of government.

I also believe that Utah's judges, individually and collectively, are among the finest in the nation. A comparison with any of our sister states reveals that the incidence of problems with Utah's judges is very low and relatively minor. I regularly review judicial misconduct reports from around the country, and of course our Court reviews the work of the Judicial Conduct Commission, whose composition and functioning the Legislature controls. As I review the national reports, I am struck repeatedly by the kinds of problems we don't have in Utah, a perception I hope would be borne out by your colleagues who sit on the Judicial Conduct Commission. With remarkably few exceptions, Utah's judges are men and women of integrity, competence, and commitment, and I am deeply proud to serve with them.

I referred earlier to the importance of courts in maintaining the rule of law, and we are wise to remember that our courts will never be more able or more visionary than the judges who staff them. Utah's system of selection, retention, education and professional support of judges is strong, but we must always be mindful of what it takes to maintain high standards. For example, our highest priority building block request this year is for five additional law clerks to assist our [70] district judges in the complex civil and criminal cases they handle. Ideally every trial judge in the state will someday have a law clerk to assist with research, writing, and the organization and management of discovery, evidence, and trial in difficult cases; for the time being, we will be happy to reduce our ratio to five to one. Additionally, you will be reviewing a judicial compensation recommendation from your Executive and Judicial Compensation Commission, which former Governor Walker and Governor Huntsman have funded in their proposed budgets. It is designed to address problems developing in our capacity to attract to the judiciary those with the intelligence, the character, the competence,

the work ethic, the experience, and the commitment to decide the questions and solve the problems the future will inevitably bring. Governor Huntsman has expressed to me his concern for this part of the legacy he will leave from his service—judges worthy of the task of preserving the rule of law and earning the trust and confidence of the people.

Finally, for the past two years I have spoken on this occasion about the work the courts, in cooperation with the other branches of government, have been doing in the area of child welfare, and I would like to share recent developments with you. Last summer, a national commission supported by the Pew Charitable Trusts issued the report of a year-long study entitled “Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care.” The report targeted two areas: (1) improving federal funding mechanisms for state services; and (2) “improving court oversight of child welfare cases to facilitate better and more timely decisions related to children’s safety, permanence and well-being.” Two of the report’s specific recommendations bear mention: first, the Pew Commission believes that “to protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children,” and recommends that states should establish broad-based commissions for that purpose under the leadership of the Chief Justice and child welfare agency heads; second, the report recommends that “Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.” In response to that call, I am working on the organization of a Utah version of the Pew Commission, where top leaders from the three branches of government, and the business, faith-based, and child-advocacy communities, can work collaboratively to ensure that Utah’s policies and practices consistently place the safety, permanency and well-being of children first. I hope that President Valentine and Speaker Curtis, along with Governor Huntsman and other leaders from government and the larger community, will be part of the unique opportunity Utah has to develop a system that will be a model for other states.

In conclusion, I would like to share with you the mission of the Utah judiciary, as articulated by the Judicial Council: it is “to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.” I look forward to working with you this session in pursuing that mission and the goal we in government all share—that of earning the respect and trust of the people we serve.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President:

January 17, 2005

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Department of Administrative Services

D'Arcy Dixon Pignanelli appointed as the Executive Director of the Department of Administrative Services. See Utah Code Ann. 63A-1-105.

Department of Agriculture

Leonard Blackham appointed as the Commissioner of Agriculture. See Utah Code Ann. 4-2-3.

Department of Commerce

Russell Skousen appointed as the Executive Director of the Department of Commerce. See Utah Code Ann. 13-1-3.

Department of Corrections

Scott Carver reappointed as the Executive Director of the Department of Corrections. See Utah Code Ann. 64-13-3.

Department of Environmental Quality

Dianne Nielson reappointed as the Executive Director of the Department of Environmental Quality. See Utah Code Ann. 19-1-104.

Department of Financial Institutions

Edward Leary reappointed as the Commissioner of Financial Institutions for a term to expire January 20, 2009. See Utah Code Ann. 7-1-202.

Department of Health

David Sundwall appointed as the Executive Director of the Department of Health. See Utah Code Ann. 26-1-8.

Department of Human Resource Management

Jeff Herring appointed as the Executive Director of the Department of Human Resource Management. See Utah Code Ann. 67-19-5.

Department of Insurance

Kent Michie appointed as the Commissioner of Insurance. See Utah Code Ann. 31A-2-102.

Department of Natural Resources

Michael Styler appointed as the Executive Director of the Department of Natural Resources. See Utah Code Ann. 63-34-5.

Department of Public Safety

Robert Flowers reappointed as the Commissioner of Public Safety for a term to expire July 1, 2009. See Utah Code Ann. 53-1-107.

Department of Transportation

John Njord reappointed as the Executive Director of Transportation. See Utah Code Ann. 72-1-202.

Commission on Criminal and Juvenile Justice

Michele Christiansen appointed as the Executive Director of the Commission on Criminal and Juvenile Justice. See Utah Code Ann. 63-25a-103.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman
Governor

* * *

On motion of Senator Eastman, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement on the submittal dated January 5, 2005, for purposes of acting on gubernatorial nominees.

On motion of Senator Knudson, the Senate voted to consent to the Governor's appointments as read by Sandy Tenney. The appointments were confirmed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Kundsen
Madsen	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich	Mansell	Mayne
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Senator Blackham declared a conflict of interest.

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Commissioner Leonard Blackham spoke in Committee of the Whole. Senators Stephenson, Allen, Knudson, Davis, Hale, Hatch, Walker, Eastman, Hillyard, Evans, Jenkins, and Mansell commented.

On motion of Senator Buttars, the Committee of the Whole was dissolved.

* * *

President Valentine administered the oath of office to Darin G. Peterson who was appointed by the Governor to fill the unexpired term of Leonard Blackham.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Kenneth W. Brewer, Poet Laureate of Utah, spoke in the Committee of the Whole.

On motion of Senator Buttars, the Committee of the Whole was dissolved.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 17, 2005

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

- S.B. 21** Limitation on Liability Regarding Liquefied Petroleum Gas (Sen. D. Eastman)
- S.B. 29** Licensing of Crane Operators (Sen. G. Davis)
- S.B. 32** Limitation of Landowner Liability for Public Recreation (Sen. G. Bell)
- S.B. 38** Garnishment by Deferred Deposit Lenders (Sen. R. Allen)
- S.B. 39** Consumer Credit Protection (Sen. C. Walker)
- S.B. 87** Residence Lien Restriction and Lien Recovery Fund Amendments (Sen. D. Thomas)
- S.B. 96** Commerce Service Fund Amendments (Sen. G. Bell)
- S.B. 103** Liens on Aircraft (Sen. T. Hatch)

Government Operations and Political Subdivisions Committee

- S.B. 11** Initiative Petitions Amendments (Sen. B. Evans)
- S.B. 31** Local Government Amendments (Sen. D. Thomas)
- S.B. 76** Amendments to Navajo Trust Fund (Sen. B. Evans)
- S.B. 78** Optional Forms of County Government Amendment (Sen. D. Thomas)

S.B. 80	Special Service Districts – Service Expansion (Sen. M. Dmitrich)
S.B. 85	Federal Research Committee (Sen. G. Davis)
S.B. 86	2004 General Obligation Bond Amendments (Sen. P. Knudson)
S.B. 88	Creation of Local Districts (Sen. C. Walker)
S.B. 90	County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (Sen. D. Thomas)
S.B. 97	Consolidation of City and County Library (Sen. G. Bell)
S.B. 102	Lobbyist Reporting Amendments (Sen. G. Bell)
S.B. 106	Utah Religious Land Use Act (Sen. D. Thomas)

Health and Human Services Committee

S.B. 19	Disease Testing of Individuals Exposed to Blood Borne Pathogens (Sen. P. Julander)
S.B. 77	Amendments to Indoor Clean Air Act (Sen. M. Waddoups)
S.B. 83	Medical Decisions of a Parent or Guardian (Sen. D. Thomas)
S.B. 89	Mutual Dependence Benefits Contract (Sen. G. Bell)
S.B. 107	Licensure and Regulation of Programs and Facilities (Sen. T. Hatch)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 14	Uniform Parentage Act (Sen. L. Hillyard)
S.B. 15	Children’s Justice Center Amendments (Sen. D. C. Buttars)
S.B. 30	Amendments to Search Warrants (Sen. D. Thomas)
S.B. 91	Interstate Juvenile Compact (Sen. L. Hillyard)
S.B. 92	Utah Attorney’s Fees Recovery Act (Sen. D. Thomas)
S.B. 93	Children’s Justice Center Addition (Sen. T. Hatch)
S.B. 94	Restitution Amendments (Sen. G. Bell)
S.B. 104	Judiciary Amendments (Sen. L. Hillyard)
S.B. 105	Judgment Interest Rate (Sen. S. Jenkins)
S.J.R. 3	Resolution Encouraging Mediation (Sen. C. Walker)

Natural Resources, Agriculture, and Environment Committee

S.B. 79	Extension of Sunset Date on Resource Development Coordinating Committee (Sen. B. Evans)
S.B. 81	Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (Sen. B. Evans)

S.B. 99 Damages for Trespass in State Parks (Sen. T. Hatch)

Revenue and Taxation Committee

S.B. 13 Individual Income Tax – Subtraction for Certain Military Income (Sen. H. Stephenson)

S.B. 24 Waste Amendments (Sen. C. Bramble)

S.B. 33 Exemptions to Residential Property Tax (Sen. E. Mayne)

S.B. 36 Sales and Use Taxation of Pawn Transactions
(Sen. R. Allen)

S.B. 82 Individual Income Tax – Earned Income Tax Credit
(Sen. T. Hatch)

S.J.R. 2 Resolution on Property Tax for Certain Personal Property
(Sen. J. Hickman)

Transportation, Public Utilities and Technology Committee

S.B. 4 Uninsured Motorist Property Damage Coverage
Amendments (Sen. D. Eastman)

S.B. 8 Local Corridor Preservation Funding (Sen. S. Killpack)

S.B. 25 Transportation Amendments and Highway Jurisdictional
Transfer Task Force (Sen. C. Walker)

S.B. 26 Public Utilities Amendments (Sen. G. Bell)

S.B. 37 Motor Vehicle Business Regulation Act Amendments
(Sen. D. Eastman)

S.B. 84 Do Not Call Registry Amendments (Sen. D. Thomas)

S.B. 98 Motor Vehicle Registration and Title Amendments
(Sen. S. Killpack)

S.B. 108 Telecommunications Revisions (Sen. C. Bramble)

Workforce Services and Community and Economic Development

S.B. 7 Funding for Tourism (Sen. S. Jenkins)

S.B. 16 Department of Workforce Services – Access to Financial
Records (Sen. S. Jenkins)

S.B. 35 Venture Capital Funding Amendments (Sen. D. Thomas)

S.B. 95 Office of Museum Services Amendments (Sen. R. Allen)

Michael Waddoups

Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 17, 2005

The Rules Committee recommends the following bills and resolutions be placed at the bottom of the Second Reading Calendar:

S.C.R. 3	Resolution Honoring Searchers (Sen. L. Hillyard)
S.B. 100	Access to High Speed Internet At State Capitol Complex (Sen. S. Killpack)
S.J.R. 5	Resolution Approving Contract for State Capitol Renovation (Sen. A. Mansell)
S.C.R. 1	Resolution Encouraging Managed Lanes Study (Sen. C. Walker)
S.J.R. 1	Joint Resolution Approving Appointment of Legislative Auditor General (Sen. J. Valentine)
S.B. 5	Traffic Code Recodification and Revisions (Sen. S. Killpack)
S.B. 6	Sales and Use Tax Agriculture Exemptions (Sen. R. Allen)
S.B. 9	Aerospace and Aviation Development Zone Modifications (Sen. M. Dmitrich)
S.B. 10	Liability Reform Act Amendments (Sen. G. Bell)
S.B. 12	Department of Workforce Services Amendments (Sen. S. Jenkins)
S.B. 17	Foster Care Citizen Review Board (Sen. D. Eastman)
S.B. 18	Regulating Proprietary Postsecondary Schools (Sen. D. Eastman)
S.B. 20	Office of Legislative Auditor – Access to Information (Sen. M. Waddoups)
S.B. 22	Drug Offender Reform Act (Sen. D. C. Buttars)
S.B. 23	Property Tax Treatment of Tangible Personal Property (Sen. C. Bramble)
S.B. 27	Sunset Reauthorizations (Sen. L. A. Mansell)
S.B. 28	Reauthorization of Energy Policy Task Force (Sen. D. Eastman)
S.B. 101	Utah Administrative Rulemaking Act Revision (Sen. H. Stephenson)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Dr. David Sundwall, Executive Director of the Department of Health, D'Arcy Dixon Pignanelli, Executive Director of the Department of Administrative Services, Dianne Nielson, Executive Director of the Department of Environmental Quality, Russell Skousen, Executive Director of the Department of Commerce, Edward Leary, Commissioner of Financial Institutions, and Kent Mitchie, Commissioner of Insurance, and Jeff Herring, Executive Director of the Department of Human Resource Management spoke in Committee of the Whole.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.C.R. 3, RESOLUTION HONORING SEARCHERS**, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Kundsen
Madsen	Mansell	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Dmitrich	Mayne
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S.C.R. 3 was transmitted to the House for consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Roger Winkler, Commander, Detective Division, Salt Lake City Police Department, spoke in Committee of the Whole.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

* * *

On motion of Senator Knudson, under suspension of the rules, the Senate voted to have the next two bills read for the second and third times.

S.B. 100, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Mansell, under suspension of the rules, **S.J.R. 5**, RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Mansell explained the bill. Senator Jenkins declared a conflict of interest. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Kundsen	Madsen
Mansell	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich	Hatch	Mayne
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S.J.R. 5 was transmitted to the House for consideration.

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On motion of Senator Killpack, the circle was removed from **S.B. 100**, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, and it was before the Senate.

Senator Killpack proposed the following amendment:

1. Page 4., Line 108 through 111:
108 “(b) The board’s provision of wireless Internet service under Subsection (5)(a)(vii) shall
109 be discontinued in the legislative area if the president of the Senate
and the speaker of the

110 House of Representatives each submit a signed letter to the board indicating that the service is disruptive to the legislative process and is 111 to be discontinued.”

Senator Killpack’s motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **S.B. 100**, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Kundsen
Madsen	Mansell	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich	Mayne	Stephenson
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S.B. 100 was transmitted to the House for consideration.

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On motion of Senator Walker, under suspension of the rules, **S.C.R. 1**, RESOLUTION ENCOURAGING MANAGED LANES STUDY, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Walker explained the bill. Senator Bramble commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Kundsen
Madsen	Mansell	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Dmitrich Mayne

S.C.R. 1 was transmitted to the House for consideration.

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On motion of Senator Knudson, under suspension of the rules, **S.J.R. 1**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttrs	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Julander	Killpack	Kundsen
Madsen	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich Mansell Mayne

S.J.R. 1 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISIONS, was read the second time. Senator Killpack explained the bill. This bill did not have a Senate standing committee hearing.

Senator Killpack proposed the following amendment:

1. Page 90, Line 2784:
Delete "41-6a-508 and 41-6a-512" and insert "41-6a-512 and 41-6a-528"
2. Page 207, Line 6393:
After "rear bicycle" reinstate "reflector"

3. Page 243, Line 7516:
Delete "41-6-40" and insert "41-6a-404"
4. Page 247, Line 7632:
Delete "14-6a-402" and insert "41-6a-402"
5. Page 277, Line 8560:
Delete "14-6a-1205" and insert "41-6a-1205"
6. Page 278, Line 8604:
Delete "14-6a-515" and insert "41-6a-515"
7. Page 281, Line 8680:
Delete "14-6a-1630" and insert "41-6a-1630"
8. Page 281, Line 8695:
Delete "14-6a-102" and insert "41-6a-102"
9. Page 284, Line 8800:
Delete "14-6a-303" and insert "41-6a-303"
10. Page 287, Line 8863:
Delete "14-6a-1642" and insert "41-6a-1642"
11. Page 287, Line 8893:
Delete "14-6a-523" and insert "41-6a-523"
12. Page 289, Line 8931:
Delete "14-6a-523" and insert "41-6a-523"
13. Page 290, Line 8968:
Delete "14-6a-523" and insert "41-6a-523"
14. Page 291, Line 8997:
Delete "14-6a-501" and insert "41-6a-501"
15. Page 291, Line 9003:
Delete "14-6a-502 or 14-6a-517" and insert "41-6a-502 or 41-6a-517"
16. Page 291, Line 9005:
Delete "14-6a-502" and insert "41-6a-502"
17. Page 291, Line 9007:
Delete "14-6a-510" and insert "41-6a-510"

Senator Killpack's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Kundsen	Madsen
Stephenson	Thomas	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dmitrich	Hickman	Mansell	Mayne
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S.B. 6, SALES AND USE TAX AGRICULTURE EXEMPTIONS, was read the second time. This bill did not have a Senate standing committee hearing. Senator Allen explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Kundsen	Madsen
Stephenson	Thomas	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dmitrich	Hickman	Mansell	Mayne
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On motion of Senator Knudson, the Senate voted to suspend the 24-hour rule concerning the following bills.

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S.B. 9, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Davis, the bill was circled.

* * *

S.B. 10, LIABILITY REFORM ACT AMENDMENTS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 12, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, was read the second time. This bill did not have a Senate standing committee hearing. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Arent	Bell	Peterson	Bramble
Buttars	Christensen	Davis	Eastman
Evans	Fife	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Killpack	Kundsen	Madsen
Stephenson	Thomas	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Allen	Dmitrich	Mansell	Mayne
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* * *

S.B. 17, FOSTER CARE CITIZEN REVIEW BOARD, was read the second time. This bill did not have a Senate standing committee hearing. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Kundsen	Madsen
Stephenson	Thomas	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dmitrich	Hickman	Mansell	Mayne
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S.B. 18, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, was read the second time. This bill did not have a Senate standing committee hearing. Senator Eastman explained the bill. Senator Arent commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Bramble	Buttars	Christensen	Davis
Eastman	Evans	Fife	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Killpack	Kundsen	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Dmitrich	Hickman	Madsen	Mansell
Mayne			

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 17, 2005

The House passed **H.C.R. 5, RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL**, by Representative F. Hunsaker, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.C.R. 5** was read the first time.

On motion of Senator Knudson, the Senate voted to move **H.C.R. 5** to the top of the Second Reading Calendar.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.C.R. 5**, RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Allen	Arent	Bell	Peterson
Buttars	Davis	Eastman	Evans
Fife	Hale	Hatch	Hellewell
Hickman	Hillyard	Jenkins	Julander
Killpack	Kundsen	Madsen	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Christensen	Dmitrich	Mansell
Mayne			

H.C.R. 5 was signed by the President of the Senate in open session and returned to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Col. Craig Morgan and Lt. Col. David Thomas from the Utah National Guard spoke in Committee of the Whole. Senator Hickman commented.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

On motion of Senator Knudson and at 4:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 18, 2005.

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